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10/714,585	11/14/2003	Brian K. Hollowell	1033-MS1008	1674
60533	7590	01/29/2008	EXAMINER	
TOLER LAW GROUP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759			SING, SIMON P	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/714,585

Applicant(s)

HOLLOWELL ET AL.

Examiner

Simon Sing

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-19,21-27,29,30 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-19,21-27,29,30 and 32-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tverskoy et al. US Patent No. 6,341,160 in view of Liljestrand et al. US Patent No. 6,853,714 and further in view of Friedman US Patent No. 5,826,026.

1.1 Regarding claim 1, Tverskoy teaches a messaging method (abstract) and a computer-readable medium having computer-readable data comprising:

receiving an indication of a call from a calling party to a called party, (col. 3, lines 13-20);

answering the call at a premises of the called party; prompting the calling party to leave a message, (col. 3, lines 20-21);

saving at least a portion of the message as an audio file, (col. 3, lines 26-29);  
recognizing that the calling party left the message, (col. 3, lines 56-62);

preparing an outgoing message in response to recognizing that the calling party left the message, (col. 4, line 62-col. 5, line 13);

attaching the audio file to the outgoing message, (col. 5, lines 2-9);  
addressing the outgoing message to a network node associated with a unified messaging mailbox of the called party, (col. 4, line 62-col. 5, line 13); and  
initiating sending of the message and the audio file from the premises to the network node, (col. 5, lines 24-30).

Tverskoy teaches that information can be sent over a POTS line or an ISDN line. ISDN, as well known in the art, is a type of circuit switch telephone network system designed to allow digital transmission of voice and data over ordinary telephone wire. Hence, Tverskoy suggest of the ability to transmit voice over data lines. Tverskoy does not specifically teach wherein receiving an indication of a call via an Internet Protocol Network or answering the call in a Voice over Internet Protocol format. Tverskoy also does not teach including a calling party's email address in the outgoing message.

However, Liljestrand teaches receiving a voicemail message for an recipient via VOIP, identifying the email address of a calling party, and generating an email message with the calling party's email address, and sending the email message to the recipient, including the voicemail message as an attachment (figure 5; col. 4, lines 66-67; col. 5, lines 1-3; col. 15, lines 47-50; col. 17, lines 49-57). In addition, Friedman teaches a VOIP answering machine 702 (figure 9; col. 9, line 52 to column 10, line 7; column 1, lines 50-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tverskoy's reference with the teachings of Liljestrand and Friedman, by providing an answering machine with the ability to receive

incoming VOIP calls as taught by Friedman, and to include the calling party's email address in the outgoing message as taught by Liljestrand, because such a modification would have enabled a caller from a VOIP phone (e.g. phone 150 of Liljestran) to leave a message for the called party, and to enclose the email address of the calling party would have provided an convenience to the called party for replying to the calling party by email.

1.2 Regarding claim 2, Tverskoy, as applied to claim 1, teaches disconnecting from the call, (col. 3, lines 29-31);

prompting a modem to dial a telephone number associated withan Internet Service Provider, (col. 4, lines 14-22; col. 8, lines 24-34);

recognizing that a connection exists with the Internet Service Provider, (col. 4, lines 14-22); and

outputting information representing the outgoing message for delivery via the connection, (col. 4, line 62-col. 5, line 13).

1.3 Regarding claim 3, Tverskoy, as applied to claim 2, teaches outputting a username and password to the Internet Service Provider to gain access to an account of the called party, (col. 4, lines 14-23).

1.4 Regarding claim 4, Tverskoy, as applied to claim 1, teaches maintaining a notification list including at least one calling party, (col. 3, lines 34-46); and

receiving identification information associated with the call and identifying the calling party, (col. 3, lines 32-39); and determining that the calling party is the at least one calling party, (col. 3, lines 32-46).

1.5 Regarding claim 6, Tverskoy, as applied to claim 1, teaches wherein the outgoing message has a format of an electronic mail message format, (col. 4, line 62-col. 5, line 13).

1.6 Regarding claim 7, Tverskoy, as applied to claim 1, teaches utilizing a modem device to send the outgoing message, wherein the modem device is a cable modem, a dial-up modem, (col. 8, lines 24-34).

1.7 Regarding claim 8, Tverskoy, as applied to claim 1, teaches determining that a data connection exists, (col. 4, lines 24-32); and  
utilizing the data connection to send the outgoing message, (col. 5, lines 24-30).

1.8. Regarding claim 9, Tverskoy, as applied to claim 1, teaches wherein the message comprises a multi-modal message having an audio component and a non-audio component, (col. 5, lines 2-24).

2. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tverskoy et al. US Patent No. 6,341,160 in view of Liljestrand et al. US Patent No. 6,853,714 and further in view of Friedman US Patent No. 5,826,026 and further in view of Goldberg et al. US Patent No. 6,304,636.

The modified Tverskoy reference, teaches a VOIP answering device for attaching an incoming voice message to an email message, but fails to teach the voice message is converted to a text message.

However, in the same field of endeavor, Goldberg teaches receiving a voicemail message for a subscriber, converting the voicemail message to either a digital voice (e.g. WAV) or text, and attaching the converted voicemail message to an email message addressed to the subscriber (col. 2, lines 38-67; col. 3, lines 1-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Tverskoy's reference with the teaching of Goldberg, by providing a text message as the attachment for the audio file, because such a modification would have enabled the called party to read a voice message (audio file) in case the called party's computer did not have audio playback capability.

3. Claim 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tverskoy et al. US Patent No. 6,341,160 in view of Friedman US Patent No. 5,826,026.

3.1 Regarding claim 11, Tverskoy teaches a messaging system (figure 1; abstract), comprising:

a network interface (18) operable to form at least a portion of a communication link between remote node of a network (ISP 30) and a component located within answering machine 12 (fig. 1);

a call awareness trigger communicatively coupled to the network interface and operable to recognize a signal indicating an incoming call from a calling party (col. 3, lines 13-20);

a call answering mechanism operable to answer the incoming call and to prompt the calling party to leave a message (col. 3, lines 20-25);

a memory operable to store an audio file representing the message (col. 3, lines 26-29);

a messaging engine operable to compose an outgoing message, to attach the audio file to the outgoing message, and to initiate communication of the outgoing message to a remote messaging server (email server) (col. 4, line 62 to col. 5, line 13, 24-30); and

a processor operable to send a notification (header information) indicating that a new voice mail message is available at the remote messaging server (col. 4, lines 64-67).

Tverskoy teaches that information can be sent over a POTS line or an ISDN line. ISDN, as well known in the art, is a type of circuit switch telephone network system designed to allow digital transmission of voice and data over ordinary telephone wire.



Hence, Tverskoy suggest of the ability to transmit voice over data lines. Tverskoy does not specifically teach wherein receiving an indication of a call via an Internet Protocol Network or answering the call in a Voice over Internet Protocol format. Tverskoy is silent on the housing of answering machine 12 even though, it is obvious that a telephone answering machine has a housing enclosure.

However, Friedman disclose a VOIP answering machine 700, comprising a housing 702, a communication interface unit 718 connected to Internet, and a VOIP engine 716 coupled to the interface unit 718 for processing incoming call (figure 8; column 9, line 52 to column 10, line 7; column 1, lines 50-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tverskoy's reference with the teaching of Friedman by providing an answering machine with a housing and the ability to receive incoming VOIP calls, because such a modification would have clarified a housing enclosure and would have enabled modified messaging system communicate in VOIP.

3.2 Regarding claim 12, Tverskoy, as applied to claim 11, teaches wherein the call awareness trigger, the call answering mechanism, the memory, and the messaging engine are located within the enclosure, further wherein the call awareness trigger recognizes a ring voltage signal, (fig. 1; col. 3, lines 13-20).

3.3 Regarding claim 13, Tverskoy, as applied to claim 11, teaches a computer having a housing comprising the housing component, (fig. 1).

3.4 Regarding claim 14, Tverskoy, as applied to claim 11, teaches a telephone station communicatively coupled to a jack associated with the housing component; and a modem communicatively coupled to the network interface, (fig. 1; col. 4, lines 14-22; col. 8, lines 24-34).

3.5 Regarding claim 15, Tverskoy, as applied to claim 11, teaches a processor (26) located within the enclosure, the processor operable to execute instructions to effectuate the messaging engine, (col. 4, line 62-col. 5, lines 2-9).

3.6 Regarding claim 16, Tverskoy, as applied to claim 11, teaches a computer jack associated with the housing component, the computer jack operable to interconnect a computer (34) with the component; and a processor located within the enclosure, (fig. 1).

3.7 Regarding claim 17, Tverskoy, as applied to claim 16, teaches a computer readable medium having computer-readable data to allow the computer to store a username and password in the memory, to indicate a messaging address for an intended recipient of the outgoing message, and to indicate an identifier for the remote messaging server, (fig. 1).

3.8 Regarding claim 18, Tverskoy teaches a serial interface RS-232 for connecting the computer 34 and the answering machine 12 (col. 2, lines 57-60), and examiner takes an office notice that USB (universal serial bus) is well known in the art and the USB has replaced RS-232 in recent years.

3.9 Regarding claim 19, Tverskoy, as applied to claim 11, teaches a broadband modem communicatively coupled to the network interface, the broadband modem operable to Support an always-on connection to a broader network, (col. 8, lines 24-34).

4. Claims 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tverskoy et al. US Patent No. 6,341,160 in view of Liljestrand et al. US Patent No. 6,853,714.

4.1 Regarding Claim 21, Tverskoy teaches a method of facilitating unified messaging, (abstract), comprising:

- communicatively coupling a messaging device to a premises network communicatively coupled to a wide-area communication network (Internet) (fig. 1);

- communicatively coupling a telephone station at the premises to the messaging device (fig. 1);

- communicatively coupling a computer to the messaging device (fig. 1); and

- employing the messaging device to answer an incoming telephone call from a calling party (col. 3, lines 13-20), to play a pre-recorded message that prompts the calling party

to leave a message (col. 3, lines 21-25), to record a voice message from the calling party (col. 3, lines 21-29), to compose an electronic mail message in response to the voice message, (col. 4, line 62-col. 5, line 13), to attach an audio file representing the voice message to the electronic mail message, and to initiate sending of the electronic mail message via the wide-area communication network, (col. 4, line 62-col. 5, line 13,24-30).

Tverskoy also does not teach including a calling party's email address in the outgoing message.

However, Liljestrand teaches receiving a voicemail message, identifying the email address of a calling party, and generating an email message with the calling party's email address, and forwarding the voicemail message to the email address of the recipient, including the voicemail message as an attachment (figure 5; col. 4, lines 66-67; col. 5, lines 1-3; col. 15, lines 47-50; col. 17, lines 46-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tverskoy's reference with the teaching of Liljestrand, by including the calling party's email address in the outgoing message, because enclosing the email address of the calling party would have provided an convenience to the called party for replying to the calling party by email.

4.2 Regarding claim 22, Tverskoy, as applied to claim 21, teaches executing code directing the computer to store a username and password in a memory associated with the messaging device, to indicate a messaging address for an intended recipient of the

electronic mail message, and to indicate an identifier for a remote messaging server communicatively coupled to the wide-area network, (col. 4, lines 14-23).

4.3 Regarding claim 23, Tverskoy, as applied to claim 21, teaches determining that a data connection exists interconnecting the premises network and a node of the wide-area network; and utilizing the data connection to send the electronic mail message, (col. 4, lines 14-23).

4.4 Regarding claim 24, Tverskoy, as applied to claim 21, teaches disconnecting from the incoming telephone call, (col. 3, lines 29-31);

prompting a modem to dial a telephone number associated with an Internet Service Provider, (col. 4, lines 14-22; col. 8, lines 24-34);

recognizing that a connection exists with the Internet Service Provider, (col. 4, lines 14-22); and

utilizing the connection to send the electronic mail message, (col. 5, lines 24-30).

4.5 Regarding claim 25, Tverskoy, as applied to claim 21, teaches wherein the audio file is a WAV file, (col. 4, line 62-col. 5, line 13).

4.6 Regarding claim 26, Tverskoy, as applied to claim 21, teaches addressing the electronic mail message to more than one intended recipient, (col. 5, lines 24-30).

4.7 Regarding claim 27, Tverskoy, as applied to claim 21, teaches attaching a second file to the electronic mail message comprising non-audio information communicated by the calling party, (col. 4, line 62-col. 5, line 13).

5. Claims 29, 30 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agraharam et al. US Patent No. 6,483,899 in view of Klein US Patent No. 6,621,800.

5.1 Regarding claims 29 and 32, Agraharam discloses a system for prompting a calling party to leave a voice message, to enter a non-audio data (email address) with the voice message, to record the voice message, to compose an email message, to attach the audio portion of the voice message to the email message, and to send the email message to a recipient (figure 2; column 3, lines 15-24; column 4, lines 57-58; column 5, lines 15-23).

Agraharam teaches fails to teach receiving the voice message via a voice over Internet Protocol (VOIP).

However, in the same field of endeavor, Klein discloses a voice messaging system in figure 1, and teaches that the a caller's telephone 104, called telephone 106, and message server 102 are connected using voice over Internet Protocol. The message server obviously has a VOIP engine for process a VOIP call (column 3, lines 44-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Agraharam's reference with the teaching of Klein to include VOIP capability, because such a modification would have enabled a caller from VOIP phone to leave a message for the called party.

5.2 Regarding claims 30 and 33, Agraharam teaches converting the voice message to a text message (column 4, lines 5-16, 67; column 5, lines 1-2, 11-14).

5.3 Regarding claim 34, a text string (email address) is a visual message.

5.4 Regarding claim 35, Agraharam teaches sending the email message to one or more recipients (column 7, lines 30-34).

### ***Response to Arguments***

6. Applicant's arguments, see pages 3 and 4 of the Pre-brief Conference request, filed on 08/30/2007, with respect to claims 11, 29 and 32 have been fully considered and are persuasive. The final rejection mailed on 06/05/2007 has been withdrawn.

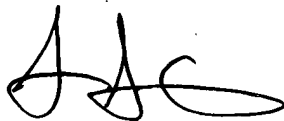
7. Applicant's arguments filed on 8/30/2007 with respect to claim 1 and 21 have been fully considered but they are not persuasive.

Applicant argues that Liljestrand fails to teach the deficiency of sending an email message, including a voice message left by a caller and the email address of caller.

However, as stated in the rejection, Liljestrand teaches in column 17, lines 46-57 that a voicemail message can be forwarded to subscriber's (recipient) email address with the email address of the caller, and the voicemail message as an attachment.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

01/18/2008